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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,204	07/24/2001	Orang Dialameh	EYEM1240-1	5275
23394	7590	01/24/2005	EXAMINER	
ROBROY R FAWCETT 1576 KATELLA WAY ESCONDIDO, CA 92027			MARIAM, DANIEL G	
			ART UNIT	PAPER NUMBER
			2621	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/915,204

Applicant(s)

DIALAMEH ET AL.

Examiner

DANIEL G MARIAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4 &amp; 5</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 2-7 are rejected under 35 U.S.C. 102(a) as being anticipated by Eriksson, et al.  
(Towards 3-dimensional face recognition).

With regard to claim 2, Eriksson, et al discloses recognizing human faces using stereo information (See for example, section 1, page 401), comprising: providing left and right camera images of the feature, i.e., feature, landmark/s and/or fiducial points, locating the feature in the left camera image and in the right camera image using image analysis based on wavelet component values generated from wavelet transformations of the camera images, determining the feature location in multiple dimensions, i.e., three dimensions, including depth based on the feature locations in the left camera image and the right camera image (See Abstract, section 2.2, page 401-402; and section 2.5, pp. 403-404).

With regard to claim 3, a method for determining a feature location as defined in claim 2, wherein the wavelet transformations use Gabor wavelets (See for example, Abstract; and section 1, page 401).

Claim 4 is rejected the same as claim 2 except claim 4 is directed to an apparatus claim. Thus, argument similar to that presented above for claim 2 is equally applicable to claim 4.

Claim 5 is rejected the same as claim 3 except claim 5 is directed to an apparatus claim. Thus, argument similar to that presented above for claim 3 is equally applicable to claim 5.

Claim 6 is rejected the same as claim 2. Thus, argument analogous to that presented above for claim 2 is equally applicable to claim 6. Claim 6 distinguishes from claim 2 only in that it recites the limitation providing first and second spaced-apart camera images of the feature. Eriksson, et al (for example, Figs. 3 and 6) further teaches this feature, where left and right camera images are indeed spaced apart from each other.

Claim 7 is rejected the same as claim 3. Thus, argument similar to that presented above for claim 3 is equally applicable to claim 7.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eriksson, et al (Towards 3-dimensional face recognition) in view of Wiskott, et al (Face Recognition by Elastic Bunch Graph Matching).

With regard to claim 1, Eriksson, et al (hereinafter "Eriksson") discloses providing left and right camera images of the feature, i.e., feature, landmark/s and/or fiducial points (See for example, Abstract; and section 2.5, pages 403-404); locating the feature in the left camera image and in the right camera image using (bunch graph) matching, determining the feature location in

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multiple dimensions, i.e., three dimensions, including depth based on the feature locations in the left camera image and the right camera image (See Sections 1 through section 2.5, pp. 401-404).

While Eriksson teaches the use of a directional searching to find a match, Eriksson does not explicitly call for matching the images using bunch graph matching. However, Wiskott, et al. (section 2.3, pp. 3-4) teaches this feature.

Eriksson and Wiskott, et al are combinable because they are from the same field of endeavor, i.e., face recognition (See the Abstract). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Wiskott, et al. with Eriksson. The motivation for doing so is would at least improve the matching operation, by attaching a plurality of jets to create a bunch graph, and thereby accurately identifying feature locations in the pair of image. Therefore, it would have been obvious to combine Wiskott, et al. with Eriksson to obtain the invention as specified in claim 1.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Publications to: Wu, et al "Gabor Wavelets for 3-D Object Recognition"; Wu, et al. "Gabor Wavelet Representation for 3-D Object Recognition"; and Foltyniewicz "Automatic Face Recognition via Wavelets and Mathematical Morphology".

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL G MARIAM whose telephone number is 703-305-4010. The examiner can normally be reached on M-F (7:00-4:30) FIRST FRIDAY OFF.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEO BOUDREAU can be reached on 703-305-4607. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**DANIEL MIRIAM**  
**PRIMARY EXAMINER**

January 21, 2005